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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,014

10/28/2003

Steven E. Arthur

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EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,014	Applicant(s) ARTHUR, STEVEN E.	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10 November 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to the application filed on 28 October 2003.
2. Claims 1-22 have been examined.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because ***the drawings contain hand-drawn annotations***. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-11, 16 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al., US 7,028,896 B2 hereafter known as Goldstein.

7. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1, 6, 11 and 16:

With regard to the limitations:

- ***Activating a number of successively numbered cards.***

Goldstein in at least Column 1, lines 55-67 discloses that a customer may purchase large groups of transaction cards from a card manufacturer so there are no unexpected, duplicate or missing cards. Goldstein in at least Column 2, lines 21-33 further discloses that the cards may be arranged and packaged in a specific sequence to allow for easier batch activation of cards.

Claims 2-5 and 7-10:

With regard to the limitations:

- ***Cards are activated in a sequence.***
- ***Cards are deactivated in a sequence.***
- ***Request for activation is acknowledged.***

Goldstein does not specifically disclose the flow of the activation request from a POS terminal to the activation processor per se. However, Goldstein in at least Column 3, lines 16-45 discloses that a retailer may easily identify and activate multiple cards at one time since the cards may be provided in contiguous sets and/or in a known sequence. Also disclosed is that the first and last cards in a series may be identified to the card tracking database and all cards located in the set

between the first and last identified cards in the series may be activated. Goldstein in at least Column 9, lines 40-63 further discloses the use of an audit trail to deactivate a group of cards. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to conclude that some type of signaling and acknowledgement is taking place as the activation/deactivation system is able to determine from a database the beginning and end of a sequence and the intermediate cards between the beginning and end of a sequence.

Claim 21-22:

With regard to the limitations:

- ***Packaging and selling cards with an identifier.***
- ***Identifier indicates number of cards.***

Goldstein in at least Column 9, lines 30-63 and Fig.2 discloses that the cards are arranged in a desired way and may be organized in a hierarchy for packaging, and the location of cards in the hierarchy may be verified and controlled. Packaging of cards in sets or sleeves and each card being associated with a particular sleeve, box and pallet based on the card's identifier or other information. Goldstein in at least Column 9, lines 64-67 and Column 10, lines 1-67 further discloses additional packaging information regarding card identifiers and tracking of the identifier versus the packaging. Goldstein in at least Column 11, lines 21-55 still further discloses sleeves being labeled (tamper-evident seal) with a sleeve number, the range of cards included in the sleeve, the customer, a job description and any other suitable material.

8. Claims 12-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein as applied to claims 1-11, 16 and 21-22 above, and further in view of Risafi et al. US 6,473,500 B1, hereafter known as Risafi.

Claims 12-15 and 17-20:

With regard to the limitations:

- ***Batch activation of a card from first to last.***
- ***Determining card is of same time and activation amount.***
- ***Signaling that card type and activation amount match or do not match.***

Goldstein in at least Column 1, lines 19-52 discloses many types of transaction cards and how they each are given a unique identifier within a group of cards. Goldstein in at least Column 9, lines 4-29 discloses that cards processed by the manufacturing apparatus are verified (reading the identifier) to insure that no unexpected, duplicate or missing cards and/or are organized and packaged in a desired way. Risafi does not specifically disclose a process for checking if cards are of the same type, per se. However, Risafi in at least Column 4, lines 61-67 and Column 5, lines 1-10 discloses that cards may be activated as a batch, PIN numbers and an initial balance is assigned to each card number and the information is transmitted via a communications network to the card processing center. Risafi in at least Column 9, lines 9-18 and lines 34-50 further discloses a promoter batch activating a set of cards having a fixed cash value and distributing them by a variety of means to customers who purchase the promotional product. Goldstein teaches the manufacturing of cards in a predetermined sequence and packaging the cards per the customer's desired sequence. Risafi teaches the batch activation of cards and their use. Therefore, it would have been obvious to one having ordinary skill in the art to combine Goldstein's card manufacturing and packaging of cards in a sequential fashion with Risafi method for batch activation of cards to achieve the predictable results.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Phillips et al., US 2003/0154163 A1. Teaches a system and method for using cards for sponsored or marketing programs.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

20 February 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627